IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.629 OF 2005

Shri.Ishwar Chidwa ...Applicant

Versus

The Union Territory of Dadara &

Nagar Haveli & Anr. ...Respondents

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Mr.B.D.Joshi for Applicant.

Mr.R.M.Agarwal for Respondent No.1.

Mr.R.Y.Mirza, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 7, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Having regard to the evidence on record to indicate that prosecutrix was below 16 years of age, even if the prosecutrix herself or her parents had consented, will make no difference, having

regard to Section 375 of the Indian Penal Code. Hence, not a case for bail. Rejected.

3. The rejection of this Application will not preclude the Applicant to prefer application for bail after investigation is completed and charge-sheet is filed, which application will be decided in accordance with law.

A.M.KHANWILKAR, J.